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**SEP 29 2006**

**OFFICE OF PETITIONS**

**KAZUTORA YOSHINO  
550-11 SHIMOFUJISAWA  
IRUMA 358 JP JAPAN**

In re Application of  
Kazutora Yoshino et al  
Application No. 10/628,541  
Filed: July 28, 2003  
Attorney Docket No. Y14A001

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**ON PETITION**

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 31, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) 1.

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<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Applicants have still not submitted the reply required to the restriction requirement mailed March 16, 2004, which required an election be made as to Group I, Claims 1-16, or Group II, Claims 17-22. Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. Accordingly, applicants must elect to prosecute the claims in Group I or the claims in Group II. If applicants elect to prosecute the claims in Group I, the reply should so indicate such an election. If applicants elect to prosecute the claims in Group II, the reply should so indicate such an election. See MPEP 809.02(a) ¶ 8.01 and 809.03.

Applicant should be aware that while an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent. See also MPEP 401 ¶ 4.10.

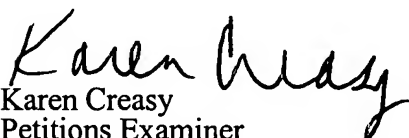
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By fax:                        (571) 273-8300  
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions